



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 1.3.29	Subject: ON-CALL STATUS FOR EXEMPT AND NONEXEMPT EMPLOYEES
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 3: Personnel	Revision Date: Oct. 2, 1996
Signature: /s/ by Director 10/7/96	Effective Date: Oct. 5, 1992

I. POLICY:

It is the policy of the Montana Department of Corrections to compensate employees who are required to remain available for callout in a manner consistent with applicable statute and policy and the degree of restriction imposed on the employee's free time.

II. AUTHORITY:

53-1-203, MCA. Powers and Duties of Department of Corrections

III. DEFINITIONS:

Refer to DOC 1.3.34, Personnel/Payroll Definitions

IV. PROCEDURES:

A. Nonexempt Employees:

1. Nonexempt employees shall not be assigned to on-call service unless such service is deemed critical and essential to the mission of the Department. When a nonexempt employee is assigned to on-call service, the Department shall provide a pager or cellular phone for the employee's use.
2. FLSA Compensatory Time accrual under this policy is only increased by the credit in the amount as enumerated, and is not to be further expanded by application of time and one-half.

Policy No.: DOC 1.3.29	Chapter: Administration and Management	Page 2 of 3
Subject: ON-CALL STATUS FOR EXEMPT AND NONEXEMPT EMPLOYEES		

3. When nonexempt employees are utilized for on-call, they shall accrue FLSA Compensatory Time according to the following schedule:
 - a. For on-call service provided on Monday through Friday, an employee in on-call status shall be credited with one (1) hour of FLSA Compensatory Time, regardless of whether any time was actually worked.
 - b. For on-call service provided on Saturday and/or Sunday, an employee in on-call status shall be credited with two (2) hours of FLSA Compensatory Time, regardless of whether any time was actually worked.
 - c. For on-call service provided on a legal state holiday as provided in 1-1-216, MCA, an employee in on-call status shall be credited with two (2) hours maximum of FLSA Compensatory Time, regardless of whether any time was actually worked.
 - d. If a nonexempt employee reports to the employer's premises for work due to a callout, s/he shall be compensated at the premium rate of pay by cash or by FLSA Compensatory Time for all time worked over 40 hours in the work week, or over eight hours in a work day, if applicable. The time that such compensation begins is the actual clock time the employee clocks in or signs in on the employer's premises. Hours worked may be offset within the work week and premium pay shall not be paid until the total hours worked exceeds 40 within the work week or eight in the work day. The minimum compensation for callout shall be one (1) hour.
 - e. Time accrued for on-call status is not considered Hours Worked.

B. Exempt Employees:

Policy No.: DOC 1.3.29	Chapter: Administration and Management	Page 3 of 3
Subject: ON-CALL STATUS FOR EXEMPT AND NONEXEMPT EMPLOYEES		

1. Exempt employees shall not be assigned to on-call service unless such service is deemed critical and essential to the mission of the Department. When an exempt employee is assigned to on-call service, the Department shall provide a pager or cellular phone for the employee's use.
2. When exempt employees are utilized for on-call service, they shall accrue Exempt Compensatory Time in accordance with the following provisions:
 - a. For on-call service provided Monday through Friday, an employee in on-call status shall be credited with one (1) hour of Exempt Compensatory Time, regardless of whether any time was actually worked.
 - b. For on-call service provided Saturday and/or Sunday, an employee in on-call status shall be credited with two (2) hours of Exempt Compensatory Time, regardless of whether any time was actually worked.
 - c. For on-call service provided on a legal state holiday as provided in 1-1-216, MCA, an employee in on-call status shall be credited with two (2) hours maximum of Exempt Compensatory Time, regardless of whether any time was actually worked.
 - d. All time actually worked via callout to work shall be compensated by hour-for-hour compensatory time for all time worked exceeding 40 hours within the work week. Callout service begins upon reporting to the employer's premises for service. The minimum compensation for callout shall be one (1) hour.
 - e. Time accrued for on-call status is not considered Hours Worked.

V. CLOSING:

Policy No.: DOC 1.3.29	Chapter: Administration and Management	Page 4 of 3
Subject: ON-CALL STATUS FOR EXEMPT AND NONEXEMPT EMPLOYEES		

Questions concerning this policy shall be directed to the employee's immediate supervisor.